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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**

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Date: **SEP 12 2011** Office: NEBRASKA SERVICE CENTER

IN RE: Petitioner:
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

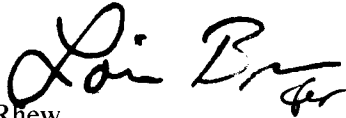
ON BEHALF OF PETITIONER:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the employment-based immigrant visa petition on March 4, 2008. The petitioner filed a motion to reconsider on March 28, 2008. The director reaffirmed his decision on April 11, 2008. The petitioner appealed the decision to the Administrative Appeals Office (AAO) on April 25, 2008. The appeal will be dismissed.

The petitioner is a dentist's office. It seeks to employ the beneficiary permanently in the United States as a continuing education instructor. The petitioner seeks to classify the beneficiary as an alien worker pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as a member of the professions holding an advanced degree or an alien of exceptional ability. The director determined that the petitioner had not submitted a certified Form ETA 9089 with the petition. The director also determined that the copy of the Form ETA 9089 that the petitioner did submit was for a different employer, [REDACTED] and that the petitioner had failed to establish that it was a legal successor-in-interest to the other employer. The director denied the petition accordingly.

Review of U.S. Citizenship and Immigration Services (USCIS) records indicates that, subsequent to filing the instant petition on July 6, 2009, the beneficiary filed a Form I-485 Application to Adjust Status, receipt number [REDACTED] which USCIS approved on April 16, 2010. Because the beneficiary has adjusted to lawful permanent resident status, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed based on the beneficiary's adjustment to lawful permanent resident status.